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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 RODNEY JAMES HARRIS,

9 Petitioner,

10 v.

11 SCOTT RAKES,

12 Respondent.

Case No. C11-5115BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation ("R&R") of  
15 the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 14).

16 The Court has considered the R&R and the remaining record, and no objections to the  
17 R&R having been filed, does hereby find and order as follows:

- 18 (1) The R&R is **ADOPTED**;  
19 (2) A Certificate of Appealability is **DENIED**;  
20 (3) The petition is **DENIED**; and  
21 (4) This action is **DISMISSED**.

22 DATED this 15th day of June, 2011.

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25 BENJAMIN H. SETTLE  
26 United States District Judge  
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ORDER